

Remarks/Arguments

Responsive to the restriction requirement mailed June 29, 2006, applicant elects Group I (claims 1-20) and SEQ ID NO: 29. Claim 18 was amended to focus on the elected sequence. The elected sequence is covered in pending claims 1-5, 7-11, 14, 15, 17-19, 21, 23, and 25-28. The restriction requirement is traversed.

The restriction requirement divided the claims into the following groups:

Group I (claims 1-20): Drawn to an optionally substituted peptide having a cyclic structure $Z^1-X^1-X^2-X^3-X^4-X^5-X^6$ -cyclo($X^7-X^8-X^9-X^{10}-X^{11}-X^{12}-X^{13}-X^{14}-X^{15}$)- $X^{16}-X^{17}-Z^2$ and a method of screening for a compound able to bind MCH1R;

Group II (claim 21): Drawn to a method of selectively producing MCH1R activity using a peptide having a cyclic structure $Z^1-X^1-X^2-X^3-X^4-X^5-X^6$ -cyclo($X^7-X^8-X^9-X^{10}-X^{11}-X^{12}-X^{13}-X^{14}-X^{15}$)- $X^{16}-X^{17}-Z^2$;

Group III (claims 23 and 25): Drawn to a method of screening for a MCH1R antagonist using a peptide having a cyclic structure $Z^1-X^1-X^2-X^3-X^4-X^5-X^6$ -cyclo($X^7-X^8-X^9-X^{10}-X^{11}-X^{12}-X^{13}-X^{14}-X^{15}$)- $X^{16}-X^{17}-Z^2$;

Group IV (claim 26 and 27): Drawn to a method of increasing weight or appetite using a peptide having a cyclic structure $Z^1-X^1-X^2-X^3-X^4-X^5-X^6$ -cyclo($X^7-X^8-X^9-X^{10}-X^{11}-X^{12}-X^{13}-X^{14}-X^{15}$)- $X^{16}-X^{17}-Z^2$; and

Group V (claim 28): Drawn to a method for measuring the ability of a compound to decrease weight or appetite using a peptide having a cyclic structure $Z^1-X^1-X^2-X^3-X^4-X^5-X^6$ -cyclo($X^7-X^8-X^9-X^{10}-X^{11}-X^{12}-X^{13}-X^{14}-X^{15}$)- $X^{16}-X^{17}-Z^2$ to produce a weight increase and administering the compound, and measuring the change in weight or appetite.

Applicant notes that the generic structure provided in, for example, claim 1 allows for a cyclic group from amino acid 7-15 or amino acids 7-16.

A further restriction was provided based on the different peptides having different amino acids. The examiner indicated the restriction requirement concerning the different peptides is not a species election.

The restriction requirement is traversed based on the described generic peptide. A generic structure can encompass patently distinct species. The presence of different peptides

within the described generic peptide being patentably distinct from each other, or the described generic structure, does not take away from the described generic structure providing for Unity of Invention. The elected sequence is properly within the described genus and should be treated as a species election.

Applicants' arguments concerning the restriction requirement are directed to Unity of Invention based on a common technical feature and are not arguments concerning the patentability of one claim or group of claims in light of another claim or group of claims. The presence of additional features noted in the different claims (for example, a particular substituent or the structure of a particular species), provides further basis for patentability of such claims.

Please charge deposit account 13-2755 for fees due in connection with this amendment. If any time extensions are needed for the timely filing of the present amendment, applicants petition for such extensions and authorize the charging of deposit account 13-2755 for the appropriate fees.

Respectfully submitted,

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